IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

C.W.P. No: 955 of 2007

Date of decision:5.7.2007

Union of India and others **Petitioners**

Versus

Kripal Singh **Respondent**

Coram

The Hon'ble Mr. Justice Deepak Gupta, ACJ

The Hon'ble Mr. Justice V.K.Ahuja, Judge.

Whether approved for reporting?[1]

For the Petitioners: **Mr. Sandeep Sharma, Assistant Solicitor General of India**

For the Respondent:

Per Deepak Gupta, ACJ.

The petitioner by means of this writ petition has laid challenge to the order dated 7.6.2002 passed by the Central Administrative Tribunal in O.A. No. 255/HP/1998. According to the petitioner the only direction in the said order was to consider the case of the respondent and this direction was complied with by the department and detailed order was passed on 16.9.2002.

Thereafter the employee filed another O.A. No. 572/HP/2003 praying for a direction that he may be

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[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

promoted as Electrician Highly Skilled Grade-I. When the O.A. was taken up by the learned tribunal, the learned tribunal passed a detailed order on 5.7.2004 whereby it came to the conclusion that the prayer made in the second O.A. No. 507 of 2003 had already been granted in favour of the petitioner while deciding O.A. No. 255/HP/1998 and the learned tribunal further came to the conclusion that since the earlier direction has not been complied with the O.A. be treated as a contempt petition and contempt notice be issued to the officials of the petitioner department. This order is also under challenge. Assuming for the sake of argument that till 5.7.2004 the petitioner remained under the impression that the direction to it was only to consider the case of the petitioner, but there is no explanation worth the name as to why the order dated 5.7.2004 was not challenged immediately thereafter.

Mr. Sandeep Sharma, learned Assistant Solicitor General of India, has submitted that since the contempt proceedings were going on the department did not challenge the aforesaid orders and the contempt proceedings were finally disposed of on 8.12.2006 and thereafter the present proceedings were filed on 29th

June, 2007. This contention of Mr. Sharma cannot be accepted. The contempt proceedings were separate. If the petitioner was aggrieved by the order dated 7.6.2002 or in any event was aggrieved by the order dated 5.7.2004, it should have approached the court within reasonable time thereafter. The petition has been filed virtually 3 years after passing of the second order. The petition is hit by delay and laches and is rejected on this short ground.

(Deepak Gupta), ACJ

July 5, 2007(K) (V.K.Ahuja), J.